

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Michael R. Myers, et al. Confirmation No. 2748  
Application No.: 10/617,342 Art Unit 1616  
Filed: July 10, 2003 Examiner Alton Pryor

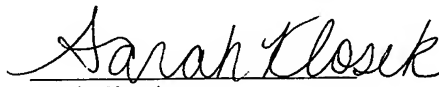
**ARYL AND HETEROARYL QUINAZOLINE COMPOUNDS WHICH  
INHIBIT CSF-1R RECEPTOR TYROSINE KINASE**

(Attorney Docket No. P24,592-O US1)

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Sarah Klosek

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Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Reply to Requirement for Restriction Dated February 8, 2005

Sir:

In response to the Examiner's Action mailed February 8, 2005, applicants hereby traverse the Examiner's Requirement for Restriction set forth therein and respectfully request reconsideration and withdrawal of the Requirement.

The Examiner requires restriction between the following groups of claims:

Group I – The method of treating bone disease comprising administering a quinazoline compound of Claim 1 classified in Class 514, Subclass 258.1;

Group II – The method of treating inflammation comprising administering a quinazoline compound of Claims 2 and 9 classified in Class 514, Subclass 258.1;

Group III – The method of inhibiting cell proliferating differentiation or mediator release comprising administering a quinazoline compound of Claims 3 and 4, classified in Class 514, Subclass 258.1;

Group IV – The pharmaceutical composition comprising a quinazoline compound of Claims 5 and 6, classified in Class 514, Sub-class 258.1; and

Group V – The quinazoline compound of Claims 7 and 8, classified in Class 544, Sub-class 244.

The basis for the Examiner's Requirement for Restriction is that he considers the claim groups to be distinct because the different inventions have different functions.

It is respectfully submitted that the Examiner's Requirement is deficient on its face because 35 U.S.C. § 121 requires the involved inventions be not only distinct, but also independent. Clearly, the inventions defined in the claims of Groups I, II, III, IV, and V are not independent in that the Group V claims define a compound that is used in the methods and composition of the Group I, II, III, and IV claims.

The Examiner has recognized the claim groups do not define independent inventions because he has not characterized them as being independent. Moreover, the Examiner has not even attempted in his Action to explain why he considers the claims to be directed to independent inventions. Consequently, the Examiner has issued a requirement that is deficient on its face because he has not explained why the five claim groups are considered to define independent subject matter. Accordingly, the Requirement should be withdrawn.

It is submitted further that the Examiner's Requirement should be withdrawn because a proper search of the subject matter of the five claim Groups requires that a search be conducted for the subject matter of all groups of claims. This is because the subject matter of the claims is so interrelated. For example, the methods and composition of the Group I, II, III, and IV claims involve the compound of the Group V claims.

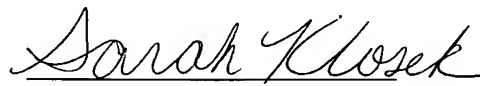
As requested by the Examiner, applicants provisionally elect with traverse to prosecute composition claims 5 and 6 of Group IV. Applicants respectfully request that, upon indication of allowable subject matter with regard to the elected claims, the withdrawn method and compound claims which include all the recitations of the composition claims be rejoined for examination of patentability (M.P.E.P. Section 821.04). Applicants also reserve the right to file a divisional Application on any unexamined, non-elected subject matter.

Turning to the Species election requirement, Applicants provisionally elect 4-(3-chlorophenoxy)-6,7-dimethoxyquinazoline, a compound according to Formula I in which X is oxygen; Ar is a phenyl substituted at position 3 with R, which is -Cl; R<sub>5</sub> is hydrogen; and R<sub>6</sub> and R<sub>7</sub> are each CH<sub>3</sub>O-, as the single disclosed quinazoline compound.

It is believed that the claims in this application are in condition for allowance. A favorable action on the merits is respectfully requested. A four-month Petition for Extension of time to respond to the Requirement is also enclosed with a credit card authorization form for the required fee of \$1,590.00. If there are any additional charges in connection with this response, the Examiner is authorized to charge Applicant's Deposit Account No. 19-5425 therefore.

Respectfully submitted,

Date July 8, 2005

A handwritten signature in cursive script, reading "Sarah Klosek".

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